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UNITED STATES DISTRICT COURT7  
WESTERN DISTRICT OF WASHINGTON, SEATTLE8  
**OMNI INNOVATIONS, LLC, a  
Washington Limited Liability  
company; EMILY ABEY, an  
individual,**9  
**NO. 06-01284**10  
11 Plaintiffs,

12 v.

13 PLAINTIFF'S RESPONSE TO  
14 DEFENDANTS' MOTION TO  
15 RESCHEDULE HEARING ON  
16 MOTION TO DISQUALIFY**ASCENTIVE, LLC, a Delaware  
limited liability company; ADAM  
SCHRAN, individually and as part of  
his marital community; JOHN DOES,  
I-X,**17  
18 Defendants,

Defendants have moved to consolidate the hearing on Plaintiff's Motion To Disqualify Counsel, now noted for November 3<sup>rd</sup>, 2006 (set by the Court), with Defendants' Motion For Change Of Venue, noted for November 17, 2006. Both motions appear to be noted without oral argument.

Plaintiffs object to this request because there is no obvious, nor even a rational link between the two motions. Defendants have already once requested a rescheduling of the motion

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25 PLAINIFF'S RESPONSE TO DEFENDANTS'  
MOTION TO RESCHEDULE MOTION TO  
DISQUALIFY -1

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1 to disqualify, in response to which the Court set the motion for November 3<sup>rd</sup>. All pleadings  
2 responsive to that motion, including a Surreply by Defendants have been filed.

3 Since the motions are noted without oral argument, there should be no issue of  
4 inconvenience. Further, in the event that Plaintiffs' motion to disqualify is granted, it is not  
5 unreasonable to consider that, for their own convenience, Defendants may choose to retain  
6 substitute counsel in Seattle or elsewhere in the Western District, making their own motion to  
7 change venue moot.

8 Accordingly, there appear to be more factors weighing in favor of hearing the pending  
9 motions as noted, and not consolidating these hearings.  
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11 **RESPECTFULLY SUBMITTED** this 2<sup>nd</sup> day of November, 2006.  
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14 MERKLE SIEGEL & FRIEDRICHSEN, P.C.

15 /S/ Robert J. Siegel  
16 Robert J. Siegel, WSBA #17312  
Attorney for Plaintiffs  
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DOUGLAS E. MCKINLEY, JR  
Attorney at Law

/S/ Douglas E. McKinley, Jr.  
Douglas E. McKinley, Jr., WSBA #20806  
Attorney for Plaintiffs  
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25 PLAINTIFF'S RESPONSE TO DEFENDANTS'  
MOTION TO RESCHEDULE MOTION TO  
DISQUALIFY -2

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## **Certificate of Service**

I, hereby, certify that on November 2, 2006, we filed this pleading with this Court. The Clerk of the Court will provide electronic notification system using the CM/ECF, which will send an electronic copy of this Notice to Floyd Ivey.

Adana Lloyd

Digitized by srujanika@gmail.com

PLAINTIFF'S RESPONSE TO DEFENDANTS'  
MOTION TO RESCHEDULE MOTION TO  
DISQUALIFY -3

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